

CHAPTER Ac 100 ORGANIZATIONAL RULES

PART Ac 101 PURPOSE AND SCOPE

Ac 101.01 Purpose and Scope.

(a) The rules of this title implement the statutory responsibilities of the New Hampshire board of accountancy created by RSA 309-B:2.

(b) These provisions regulate to but are not limited to the licensing of certified public accountants and public accountants and the practice of accountancy in the state of New Hampshire.

PART Ac 102 DEFINITIONS

Ac 102.01 "Board" means the New Hampshire board of accountancy created by RSA 309-B:4.

Ac 102.02 "Certified public accountant" (CPA) means a person holding a current certificate issued under RSA 309-B:5, or a person holding an equivalent accounting license issued in any jurisdiction in the United States.

Ac 102.03 "Chartered accountant" means person holding an accounting license issued in Australia, Canada, or Ireland that is at a level equivalent to a CPA in the United States.

Ac 102.04 "Client" means a person, persons or entity which retains a practicing accountant or the firm of a practicing accountant, which firm is engaged in the practice of public accountancy, for the performance of professional accounting services.

Ac 102.05 "Code of professional conduct" means the "Code of Professional Conduct" of the American Institute of Certified Public Accountants (AICPA), June 1, 2010 edition, including the interpretations.

Ac 102.06 "Contadores Publicos Certificado" means a person holding a current accounting license issued in Mexico that is at a level equivalent to a CPA in the United States.

Ac 102.07 "CPA firm" means "CPA firm" as defined by RSA 309-B:3, IV, namely, "a sole proprietorship, a corporation, a partnership including a limited liability partnership, a limited liability company including a professional limited liability company, or any other legally authorized association issued a license under RSA 309-B:8."

Ac 102.08 "Financial statement" means a document and related footnotes that purports to represent actual or prospective financial positions at a particular time, or results of operations, cash flow, or changes in financial position for a period of time, in conformity with generally accepted accounting principles or another comprehensive basis of accounting.

Ac 102.09 "Firm" means any business entity, however configured or organized, engaged in the practice of public accountancy. The term includes individuals and shareholders in any legally authorized entity engaged in the practice of public accountancy.

Ac 102.10 "License" means "license" as defined by RSA 309-B:3, VIII, namely, "certificate issued under RSA 309-B:5, a permit issued under RSA 309-B:8 or a registration under RSA 309-B:9; or in each case, a certificate or permit issued under corresponding provisions of prior law."

Ac 102.11 “Licensee” means “licensee” as defined by RSA 309-B:3, IX, namely, “the holder of a license as defined in RSA 309-B:3, VIII” and includes each CPA and PA.

Ac 102.12 “Permit” means “permit” as defined in RSA 309-B:3, XIII, namely, “a permit to practice as a CPA firm issued under RSA 309-B:8 or corresponding provisions of prior law, or under corresponding provisions of the laws of other states.”

Ac 102.13 “Public accountancy” means the provision of any service, the undertaking of any function, or the exercise of any privilege for which a certificate, registration, or permit is required pursuant to RSA 309-B.

Ac 102.14 “Public accountant (PA)” means a licensee whose registration has been issued pursuant to RSA 309-B:9.

Ac 102.15 “Public accounting experience” means the performance of one or more kinds of services regulated under RSA 309-B and these rules and performed under the supervision of a CPA, Chartered Accountant, Contadores Publicos Certificado, PA or in an entity that holds itself out to the public as a firm as defined in Ac 101.07.

Ac 102.16 “Public accounting firm (PA firm)” means a business entity in which at least a simple majority of the ownership of the firm, in terms of financial interests and voting rights, holds a registration issued under RSA 309-B:9, and is organized as:

- (a) A sole proprietor;
- (b) A corporation;
- (c) A partnership, including a limited liability partnership;
- (d) A limited liability company, including a professional limited liability company; or
- (e) Any other kind of entity authorized or allowed by law.

Ac 102.17 “Semester hour” means the number of hours which a class meets during a single semester, expressed on a per-credit basis, as calculated by the institution offering the course.

PART Ac 103 BOARD ORGANIZATION

Ac 103.01 Members and Officers. Pursuant to RSA 309-B:4, I(a) the board is composed of a total of 7 members who are residents of New Hampshire and have been appointed by the governor with the approval of the council. The membership includes 4 current CPAs, one current public accountant, and 2 public members, all of whom meet the requirements of RSA 309-B:4, I(a).

Ac 103.02 Organization. Every year, the board shall elect or appoint a chairperson, vice-chairperson, and secretary at the first meeting of the board in a calendar year.

Ac 103.03 Meeting Location. Board meetings are held at the place specified in the notice for the particular meeting.

Ac 103.04 Presiding Officer. The board chairperson presides at board meetings. In the absence of the chairperson, the board vice-chairperson presides at meetings. In the absence of both the chairperson and the vice-chairperson, the members present select, by consensus, any other member to act as chairperson for that meeting.

Ac 103.05 Functions of the Board. The duties of the board include:

- (a) Adopting rules relative to:
 - (1) The issuance and renewal of licenses and permits;
 - (2) Peer reviews;
 - (3) Disciplinary matters;
 - (4) Qualifications of applicants;
 - (5) Establishment of all required fees;
 - (6) Ethical and professional standards;
 - (7) Conduct of hearings; and
 - (8) Any other matters necessary for the proper administration of RSA 309-B;
- (b) Actual issuance of licenses and permits to qualified applicants;
- (c) The investigation and adjudication of complaints against licensees; and
- (d) All other functions set forth in RSA 309-B.

Ac 103.06 Office Hours, Office Location, Mailing Address and Telephone.

(a) The board's office is located at the New Hampshire joint board, 57 Regional Drive, Concord, N.H. and shall be open to the public weekdays, excluding holidays, from 8:00 a.m. to 4:00 p.m.

(b) Correspondence shall be addressed to the board's executive director at:

New Hampshire Joint Board
57 Regional Drive
Concord, N.H. 03301

(c) The board's telephone number shall be (603)-271-2219.

PART Ac 104 PUBLIC ACCESS TO INFORMATION

Ac 104.01 Public Access. In accordance with RSA 91-A, any person may examine all public, non-exempt governmental records in the possession of the board, at the offices of the board, between 8:00 a.m. and 4:00 p.m., Monday through Friday.

Ac 104.02 Licensee Access to Information. Any licensee may examine all records of the board with respect to him or herself, except as exempted by law, at the office of the board, between the hours of 8:00 a.m. and 4 p.m. Monday through Friday.

Ac 104.03 Record of Board Actions. Minutes shall be kept of board meetings and of official actions taken by the board. Minutes of board actions which are not confidential under RSA 91-A:3, II or RSA 91-A:5 shall be available for inspection during the board's ordinary office hours within 5 days from the close the meeting or vote in questions unless the 72 hours availability requirement of RSA 91-A:3, III is applicable.

Ac 104.04 Copies.

(a) At the time and place identified in Ac 103.01, any person examining a document which is a governmental record may request a copy of that document.

(b) The board staff shall make copies of the documents examined and requested under (a) available in accordance with RSA 91-A:4, IV and Ac 104.04.

(c) The fee for copies made by the board staff shall be \$.20 per page, payable before such copies are provided to the requestor.

Ac 104.05 Unavailability of Public Records. If the board is unable to make a governmental public record available for immediate inspection and photocopying, then it shall, within 5 business days of request:

(a) Make such record available;

(b) Deny the request in writing with reasons; or

(c) Furnish written acknowledgment of receipt of the request and a statement of the time reasonably necessary to determine whether the request will be granted or denied.

Ac 104.06 List of Licensed Professionals and Exam Candidates.

(a) Any person may request orally, in writing, or electronically that the board provide that person with a complete list of CPAs, PAs, or firms.

(b) The board shall grant the request under (a) if the requestor pays the actual cost of copying and mailing the document.

(c) The fee required by this section shall be paid only by:

(1) Bank draft;

(2) Money order;

(3) Certified check;

(4) Business or personal check;

(5) Electronic transfer;

(6) Cash; or

(7) Credit card.

PART Ac 105 MEETINGS, DELIBERATIONS AND DECISIONS

Ac 105.01 Meetings. Regular meetings shall be held at least each month, provided that there is board business to be conducted. Special meetings shall be called by order of the chairperson or secretary. Each member of the board shall be notified in writing of each meeting and such notice shall contain the place, date, time, and subject of the meeting. Notice of meetings shall be posted at the board office and the state house.

Ac 105.02 Quorum. A quorum of the board consists of a majority of the board members then in office, pursuant to RSA 309-B:4, II(b). A vote of the majority of those voting, is necessary for board action on anything requiring a vote of the board.

Ac 105.03 Board Meeting Procedures. The board shall conduct its meetings in the following order:

- (a) Interviews/meetings;
- (b) Reading of the minutes;
- (c) Reading of communications;
- (d) Reading and consideration of applications;
- (e) Unfinished business;
- (f) New business; and
- (g) Adjournment.

Ac 105.04 Procedures. Roberts Rules of Order, 10th edition dated 2000 shall govern the procedures of the board.

Ac 105.05 Tentative Decisions

(a) When necessary to conduct the board's business in a timely and efficient manner, the board shall instruct its staff or a committee of the board to prepare a draft document, subject to subsequent review and approval by the board. Such instructions shall be known as tentative decisions.

(b) Tentative decisions shall not be final actions, and shall not be binding upon the board. Changes in the form or the substance of a tentative decision shall be made as often as necessary to produce a final document, which satisfactorily sets forth the final result the board intends to reach. The board's final decision shall be issued only when the necessary majority has voted in favor of the final form of the proposed action, allowing time for printing or servicing the document in question.

PART Ac 106 APPOINTMENT OF COMMITTEES

Ac 106.01 Committees

(a) A committee shall consist of one or more of board members who have been directed by the board to investigate and make recommendations on matters which could be handled by the full board.

(b) When expressly authorized by the board, the authority of a committee shall include:

- (1) The retention of voluntary assistance from qualified non-board members; and
- (2) The retention of paid advisors or consultants pursuant to RSA 332:G:3.